

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. FRANCISCO PABLO-HERNANDEZ, Defendant.	4:18-CR-40039-LLP REPORT AND RECOMMENDATION
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This matter came before the court for a change of plea hearing on Monday, September 17, 2018. The defendant, Francisco Pablo-Hernandez, appeared in person and by his counsel, the Assistant Federal Public Defender. The United States appeared by its Assistant United States Attorney.

The defendant consented in open court to the change of plea before a United States Magistrate Judge. This court finds that the defendant's consent was voluntary and upon the advice of counsel. The government also consented to the plea hearing before a magistrate judge. Further, both parties waived their right to object to the report and recommendation.

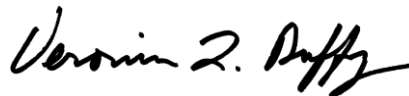
Defendant filed a petition evidencing his desire to plead guilty to the indictment which charges him with illegal reentry after deportation in violation of 8 U.S.C. § 1326(a). At the hearing, the defendant was advised of the nature of the charges to which the defendant would plead guilty and the maximum

penalties applicable, specifically: 20 years' imprisonment; a \$250,000 fine; or both; 3 years supervised release; an additional 2 years imprisonment if supervised release is revoked; a \$100 special assessment; and the possibility of deportation.

Upon questioning the defendant personally in open court, it is the finding of the court that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that his plea of guilty to the indictment is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. It is this court's recommendation that the defendant's plea of guilty be accepted and that he be adjudged guilty of that offense.

DATED this 17th day of September, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Veronica L. Duffy", written over a horizontal line.

VERONICA L. DUFFY
United States Magistrate Judge